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JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

OSHRI PTITO,

Plaintiff,

v.

ERIC H. HOLDER, JR., Attorney
General, et al.,

Defendants.

Case No. CV 11-07455-ODW (PLAx)

Order **GRANTING** Defendants'
Motion to Remand [16] and
VACATING Hearing Thereon

Order **REMANDING** Case to the
United States Citizenship and
Immigration Services with Instructions

Pending before the Court is Defendants Eric H. Holder, Jr.; Janet Napolitano; Alejandro Mayorkas; Jane Arellano; Robert S. Mueller, III; the Department of Homeland Security; the United States Citizenship and Immigration Services ("USCIS"); and the Federal Bureau of Investigations's (collectively "Defendants") Motion to Remand. (Dkt. No. 16.) Having considered the papers filed in support of the instant Motion, the Court deems the matter appropriate for decision without oral argument. Fed. R. Civ. P. 78; C.D. Cal. L.R. 7-15. For the reasons discussed below, Defendant's Motion to Remand is **GRANTED**; the January 30, 2012 hearing on the matter is **VACATED**; and the case is hereby **REMANDED** to the USCIS with instructions that the USCIS adjudicate Plaintiff's application within 30 days of this Order.

Plaintiff Oshri Ptito ("Plaintiff") is a citizen of Israel and has been a lawful

1 permanent resident of the United States since 2007. (Compl. ¶ 9.) On November 2,
2 2009, Plaintiff filed an application for naturalization. (*Id.*) On February 22, 2010,
3 Plaintiff underwent a naturalization examination pursuant to 8 U.S.C. § 1446. (*Id.*) On
4 September 9, 2011, Plaintiff filed this action under 8 U.S.C. § 1447(b) seeking a hearing
5 in connection with his naturalization application as a result of Defendants' failure to
6 adjudicate Plaintiff's application within 120 days of Plaintiff's naturalization
7 examination. (Dkt. No. 1.) On January 10, 2012, Defendants filed the instant Motion to
8 Remand on grounds that "USCIS is prepared to adjudicate [Plaintiff's] application for
9 naturalization within 30 days of remand or dismissal of Prito's complaint." (Mot. at 3.)

10 Pursuant to 8 U.S.C. § 1447(b), an applicant for naturalization "may apply to the
11 United States district court . . . for a hearing" upon USCIS's failure to make a
12 determination within 120 days following the applicant's naturalization examination. The
13 district court has jurisdiction over such an application either to "determine the matter or
14 remand the matter, with the appropriate instructions, to [USCIS] to determine the matter."
15 § 1447(b).

16 Defendants here represent that USCIS is prepared to adjudicate Plaintiff's
17 application for naturalization within 30 days of remand. Accordingly, the Court
18 **GRANTS** Defendants' Motion to Remand, and the January 30, 2012 hearing on this
19 matter is **VACATED**. This case is hereby **REMANDED** with instructions that USCIS
20 adjudicate Plaintiff's application within 30 days of the date of this Order.

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22 **IT IS SO ORDERED.**

23 January 11, 2012

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HON. OTIS D. WRIGHT, II
UNITED STATES DISTRICT JUDGE